

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF CALIFORNIA  
SAN JOSE DIVISION

Lydia Winterstein,

NO. C 02-05746 JW

Plaintiff,

**ORDER AWARDING PLAINTIFF  
ADDITIONAL ATTORNEY'S FEES**

v.

Stryker Corporation Group Life Insurance  
Plan, et al.,

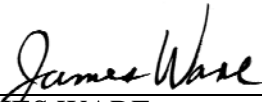
Defendants.

On January 19, 2006, the Court granted judgment in favor of Plaintiff Lydia Winterstein. In an order dated April 24, 2006 ("April Order"), the Court awarded Plaintiff attorney's fees for all hours worked on the case at the rate of \$206.34 per hour. Plaintiff moved for reconsideration of the hourly rate set by the Court. On July 10, 2006, the Court granted in part Plaintiff's request for relief from the April Order and awarded Plaintiff attorney's fees at the rate of \$300 per hour for 373.95 hours. (See Order Granting In Part Motion to Set Aside Order Re: Attorney's Fees, hereafter "July Order," Docket Item No. 104.) Plaintiff was invited to submit a revised declaration identifying any additional hours that were spent pursuing Plaintiff's claim for benefits. The Court, however, declined to allow Plaintiff to recover compensation for hours related to preparing the motion for reconsideration.

On July 12, 2006, Plaintiff's attorney, Martin S. Snitow, submitted a declaration that indicates an additional 13.30 hours (beyond the 373.95 hours identified in the April Order) were spent pursuing Plaintiff's benefits claim. (See Declaration of Martin S. Snitow, hereafter "Snitow

Decl.,” Docket Item No. 105.) These hours do not reflect time spent working on the motion for reconsideration. (Snitow Decl. ¶¶ 4-8.) Accordingly, the Court awards Plaintiff attorney’s fees for 13.30 additional hours at the hourly rate of \$300. In total, Plaintiff is entitled to 387.25 hours of attorney’s fees at \$300 per hour. Defendants shall tender any fees owed to Plaintiff within fifteen (15) days of this Order.

Dated: November 20, 2006

  
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JAMES WARE  
United States District Judge

1 **THIS IS TO CERTIFY THAT COPIES OF THIS ORDER HAVE BEEN DELIVERED TO:**

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7  
8 **Dated: November 20, 2006**

**Richard W. Wieking, Clerk**

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11 **By: /s/ JW Chambers**  
12 **Elizabeth Garcia**  
13 **Courtroom Deputy**  
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